

Patent US 232C1
Attorney Docket: 612,404-377
(formerly 265/247)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
JING CHENG, ET AL.

Serial No.: 09/905,755

Filed: July 13, 2001

For: CHANNEL-LESS SEPARATION OF
BIOPARTICLES ON A BIOELECTRONIC
CHIP BY DIELECTROPHORESIS

Group Art Unit: 1753

Examiner: Jeffrey Thomas Barton

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

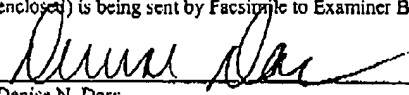
Sir:

I, Diane K. Wong, represent that I am an attorney of record for the above-identified application. Nanogen, Inc. (hereinafter referred to as "Nanogen") is the owner of 100% interest in the above-identified invention by virtue of assignment from the inventors to Nanogen. The assignment was recorded in the Patent and Trademark Office on June 8, 1998 (in grandparent application Serial No. 09/016,596), on Reel 9262, Frame 0628.

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent by Facsimile to Examiner Barton of the United States Postal Service on the date shown below to (571) 273-1307

July 19, 2005
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Denise N. Doss

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Nanogen hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,071,394. Moreover, Nanogen hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,071,394, this agreement to run with any patent granted on the above-identified application and to be binding upon Nanogen, its successor, or assigns.

Nanogen does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,071,394 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge \$ 65.00 to Deposit Account No. 50-2862 for the above fee(s). If any additional fees are necessitated by the filing of this document, please charge Deposit Account No. 50-2862.

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Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: July 19, 2005

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